

**NOTICE OF PROPOSED SETTLEMENT AGREEMENT  
AND HEARING IN CLASS ACTION CONCERNING ISSUANCE OF  
PERMANENT RESIDENT DOCUMENTATION TO INDIVIDUALS GRANTED  
STATUS BY THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**SANTILLAN, ET AL. v. MUKASEY, ET AL., No. C 04-2686-MHP; AND  
PADILLA, ET AL. V. RIDGE, ET AL., No. C 08-1531-MHP  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIV.**

**TO:** All persons who were or will be granted lawful permanent resident status by the U.S. Executive Office for Immigration Review (EOIR), through the Immigration Courts or the Board of Immigration Appeals (BIA), and to whom the U.S. Citizenship and Immigration Services (USCIS) has not issued evidence of registration as a lawful permanent resident (LPR).

You are hereby notified that a hearing has been scheduled for July 21, 2008, at 3:00 p.m., before the Honorable Marilyn H. Patel of the United States District Court for the Northern District of California, San Francisco Division, 450 Golden Gate Avenue, Courtroom 15, 18<sup>th</sup> Floor, San Francisco, CA 94102 for consideration of a proposed settlement of the claims that have been brought on your behalf in this action.

**Purpose of This Notice**

This notice has three purposes: 1) to inform you of the proposed settlement and fairness hearing; 2) to tell you how to obtain more information, including a copy of the full proposed settlement agreement; and 3) to explain how you may object to the proposed settlement if you disagree with it.

**Background**

This class action lawsuit ("Santillan") was filed on July 6, 2004, to challenge alleged delays by USCIS in issuing documentation of status (*e.g.*, a Permanent Resident Card (Form I-551) or "green card," or a temporary document) to individuals who had been granted, or would be granted, LPR status by immigration judges or by the BIA.

The parties have reached a tentative settlement that the Court has preliminarily approved. The settlement agreement incorporates the class certified in Padilla, et al. v. Ridge, et al., No. C 08-1531 MHP ("Padilla"). Therefore, this Notice and the proposed settlement agreement, if approved, apply to all members, present and future, of the now-combined Santillan and Padilla lawsuits. This Notice and the proposed agreement do not apply to individuals who were granted their LPR status by USCIS, by U.S. Customs and Border Protection (CBP), or by the former Immigration and Naturalization Service (INS).

**Description of Proposed Settlement Agreement**

The following description is only a summary of the key points in the proposed settlement agreement. Information on obtaining a copy of the full, proposed agreement is provided after this summary. The Effective Date of the agreement is the date that the district court approves it, vacates its permanent injunction, and issues a Final Judgment Order that is materially the same as that proposed by the parties as an exhibit to the full

proposed agreement. The duration of the settlement agreement will be for two (2) years from the Effective Date.

The key terms of the proposed settlement agreement provide that any class member who is granted adjustment to LPR status in Immigration Court or BIA proceedings will be given a written description of the procedures for obtaining documentation of status. Except in certain cases involving national security or public safety, USCIS will issue each class member his or her Permanent Resident Card (Form I-551) within thirty (30) business days of the class member's attendance at an appropriately scheduled appointment at the local USCIS office, unless biometrics are required. Where biometrics are required, USCIS will provide an appointment at a USCIS Application Support Center within 15 days, and the Permanent Resident Card will be produced within 15 business days of that appointment. In certain emergency travel and work circumstances, a class member may seek issuance of temporary status documentation. DHS may withhold documentation of LPR status from a class member beyond any of the time periods stated in the agreement, where defendants possess specific and particular information that the class member may be a risk to national security or public safety. However, any such decision to withhold documentation must be certified in writing by the USCIS Director or Deputy Director.

If a class member does not receive his or her Permanent Resident Card within the time periods described above, he or she may contact a USCIS national Point of Contact (POC). USCIS then will have twenty-one (21) business days to inquire into the status of the class member's documentation and to issue the Permanent Resident Card. If the class member does not receive the card after the 21 days, he or she may go to USCIS and will be issued temporary documentation valid for at least six months. USCIS will provide class counsel with quarterly reports listing class members, who have contacted the national POC but who still have not been issued their LPR status documentation.

Where a class member has exhausted all of the time periods and procedures for issuance of LPR status documentation required by the agreement, and still has not received such documentation, he or she may pursue an individual claim for documentation in any court with jurisdiction. The agreement also provides for class counsel to bring class claims to enforce the agreement under specified conditions.

The settlement agreement is conditioned on the district court's fully vacating its permanent injunction order of December 22, 2005. The Court's August 24, 2005, summary judgment order shall not be vacated, but that decision cannot be used to show that a fact or claim that was in dispute in this lawsuit has previously been decided.

The agreement further provides that, in consideration of the other provisions in the agreement, class members release all defendants from all "Settled Claims." For a complete description of the releases and "settled claims," you should obtain a full copy of the proposed settlement agreement. Defendants do not admit any wrongdoing, fault or liability, nor may their agreement to the preservation of the August 24, 2005, summary judgment decision be construed as Defendants' acceptance of any of the findings of fact or conclusions of law contained in that decision. The settlement agreement cannot be used

against defendants as evidence of any presumption, concession or admission of any liability, negligence, fault or wrongdoing in future actions.

**For Further Information:**

THIS IS A SUMMARY OF THE PROPOSED AGREEMENT. TO UNDERSTAND IT FULLY, YOU SHOULD READ THE ENTIRE AGREEMENT. Copies of the proposed settlement may be obtained from: 1) The USCIS website at [www.uscis.gov](http://www.uscis.gov) (click on Laws & Regulations and then click Legal Settlement Notices); 2) the EOIR website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir); 3) the ICE website at [www.ice.gov](http://www.ice.gov); 4) immigration assistance providers listed on the Roster of Recognized Organizations and Accredited Representatives maintained by EOIR pursuant to 8 C.F.R. §§ 292 and 1292; and 5) immigration assistance providers listed on the Pro Bono Program section of the EOIR website.

**Procedures For Agreement or Objection:**

IF YOU AGREE with the proposed settlement, you need not do anything at this time. You may be present at the public hearing on the proposed settlement as stated above.

IF YOU DISAGREE with the proposed settlement, you have a right to object to it and to the dismissal of the remaining claims in the lawsuit. Your objections will be considered by the Court as it reviews the settlement ONLY IF you follow these procedures:

1. Objections must be filed in writing by mail with the Clerk of the United States District Court for the Northern District of California (San Francisco Division), 450 Golden Gate Avenue, San Francisco, CA 94102.

ALL OBJECTIONS MUST CONTAIN THE FOLLOWING INFORMATION:

- a. Name, address, and telephone number of the person filing the objection.
  - b. The case name and docket number (C-04-2686-MHP).
  - c. A statement of the reasons for the objection.
  - d. A statement that copies of the objection were sent to all lawyers listed below.
2. You must send copies of your objections to all lawyers listed at the end of this notice.
  3. The deadline for filing objections and mailing them to the lawyers listed below is July 10, 2008. If Objections are filed by mail, they must be postmarked on or before July 10, 2008, to be considered timely. Objections filed or mailed on or after that date will not be considered. Class members who fail to file objections on or before the above date will not be permitted to testify at the settlement hearing.
  4. No later than July 18, 2008, counsel for plaintiffs and defendants shall file and serve responses, if any, to objections they timely receive from persons opposed to the proposed settlement.

**Attorneys' Names and Addresses for Defendants and Plaintiffs:**

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